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VINDICATOR'S
REMARKS

ON

SARSFIELD'S LETTERS,

WHICH APPEARED IN

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A. 1. 10.



VINDICATOR's
REMARKS, &c.

THE labours of this Writer's pen are partly levelled at a late publication, entitled, "Observations upon a recent Address to the Citizens of Dublin," but more at the supposed Author of that work.—A work, which, in my mind, contains so many striking truths, that, having read it with the deepest attention, I resolved to pay an equal attention to Sarsfield's Commentaries upon it.

Of his allusions to the supposed author, I shall take no manner of notice; in doing this I shall follow the respectable example of that author, who, in the course of his observations on the address in question, never once alludes to the writer of it, but makes the address, and the address only, as a political publication, open to political discussion, the sole object of his comments.

B

I SHALL

I SHALL begin by observing upon many misrepresentations of this work which appear in Sarsfield's Letters; he may perhaps have fallen into some of them through inadvertency; but there are others, to which so gentle a term cannot be applied.—

“With you,” (says Sarsfield, addressing himself to the author) “the French Revolution is the parent of all our mischiefs,—but unfortunately for your position, all its children must be older than their father, every complaint that now exists, existed twelve years ago, &c.” Then giving a long list of the supposed causes of these complaints, which he states as existing “long before there appeared so much as a symptom of the French Revolution,”—he exultingly exclaims—“What then becomes of your assertion that that Revolution is the source of all the Irish discontents and distractions.”—Now hear the Author of the Observations:—“*Ask,*” says he, “*a cool dispassionate man, what is the chief source of that discontented and perturbed spirit, which for the last three or four years, has pervaded a large portion of the lower orders of the inhabitants of this country, OR OF THAT DISSATISFACTION, WHICH APPEARS TO PREVAIL, MORE OR LESS, AMONG OTHER DESCRIPTIONS OF MEN; and, he will answer—You must not confound the dissatisfaction of which you speak, as prevailing, among other descriptions of men, with that spirit of insurrection, which pervades so large a portion of the lower classes of the people.*” “The principal, if not the only source of the latter spirit, beyond controversy arises, from the insidious and abominable industry
“with

“ with which French principles, have been propagated
 “ among them, to poison their minds, insatuate their
 “ imaginations, fill them with hopes of some unknown
 “ good, they were to derive from the overthrow of the
 “ government, and with the most sanguine expectations,
 “ of having those hopes realized, by means of the assistance
 “ of the armies of that nation, whose principles they
 “ have adopted, and whose arms have subdued Europe.
 —“ These constitute infinitely the most numerous and
 “ most formidable body of the discontented; and the
 “ spirit by which they are actuated, may be said, with
 “ the strictest truth, to have grown out of the French
 “ Revolution, and out of all its pernicious effects, upon
 “ the minds of the people of this country, in common
 “ with the people of every country, where French
 “ principles have gained admittance. THE DISSATIS-
 “ FACTION THAT PREVAILS AMONG THE SMALLER,
 “ THOUGH BETTER, AND MORE ENLIGHTENED
 “ DESCRIPTION OF MEN, MAY INDEED IN PART
 “ be attributed, to the abuses (and what human in-
 “ stitution is free from them?) that have in course of
 “ time crept into the constitution; FOR THESE WERE
 “ COMPLAINED OF, BY THAT DESCRIPTION OF PER-
 “ SONS, LONG BEFORE THE WONDERFUL CHANGE
 “ IN FRANCE HAD EVER BEEN THOUGHT OF.”

Is this attributing *all* the discontents that prevail,
 to the French Revolution?—The fact is, the au-
 thor throughout the whole work draws a very
 precise line of distinction between the discontents
 that may prevail among the well-affected, and well-
 intentioned; among men still strongly attached to
 the

the Constitution; and desirous only of reforming its abuses—and the spirit of hostility which prevails among another description of men, disaffected, and ill-intentioned; and who, instead of being attached to the Constitution, seek only its destruction. The author denies that the perils which hang around us; the mischiefs with which the present period seems pregnant; are to be apprehended in the slightest degree from the former description of men;—he asserts that the danger proceeds from the latter description of men alone; enflamed as they are by that spirit of hostility towards the Constitution itself, with which French principles, and French doctrines, have inspired them.—Does Sarsfield mean to confound these two very distinct descriptions of men? The well-affected and well-intentioned are in that case infinitely obliged to him; yet I believe there is not a man among them who would not start at some of the following Resolutions of one of the many societies of the disaffected and ill-intentioned.

4th RESOLUTION.

RESOLVED, That our brethren in arms be duly provided for with such things as their case and situation requires, and that means be adopted that their families may not suffer in their absence.

5th RESOLUTION.

RESOLVED, That to answer such emergencies a contribution be imposed upon the people in general, according to their respective circumstances. Rents
and

and tythes shall also be considered, the latter of which, except in the present emergency, shall for ever be abolished.

6th RESOLUTION.

RESOLVED, That there are a great many inimical, and will no doubt prove hostile, to the cause of liberty; their estates or property shall be confiscated and converted to the national benefit.

8th RESOLUTION.

RESOLVED, That there shall be a national (or if it be thought more eligible) or provincial fund, where the property of the enemy shall be deposited, and that drafts for the above purposes shall be made as necessity shall require.

12th RESOLUTION.

RESOLVED, That there shall be an association under the name and designation of a *revolutionary committee*, composed of the best qualified and most respectable characters, viz. one man chosen from each society, and delegated by said society to meet together, who shall keep and enforce the above Resolutions, and take care that they be carried into effect and duly executed whenever the cause shall require.

13th RESOLUTION.

Resolved, that to act in concert with the revolutionary committee, there shall be magistrates appointed and vested with executive power, which shall continue in office for the space of six months only,

only, except in case of re-election; *but if a revolution is accomplished*, an annual election shall take place.

ARE these the resolutions of *reformers* only of the Constitution?—But see the powers by which they were to be upheld, as taken from one of the returns of the conspirators themselves—and this return for one County only.

men	guns	bayonets	pistols	fwords	pikes.
22,716	2,248	1,778	780	363	4,888

Another return at large of Ammunition :

b. cartridges	balls	lbs. powder	canon	mortar
24,911	70,943	1,230	8	1

THESE are the means by which the clamorous and discontented, were, according to Sarsfield, “to reach Parliament by the avenues of the Constitution.”

THIS conspiracy, decidedly the offspring of the French Revolution, was it older than its parent? Did it exist long before there was a symptom of that Revolution? Sarsfield insinuates it did; for he says, “With you the French Revolution is the parent of all our mischiefs, but unfortunately for your position *all* its children must be older than their father.”—If Sarsfield then insinuates that this conspiracy was in existence *prior* to the French Revolution;

Revolution; he must have known of it, and was, of his own shewing, guilty of misprision of treason!

DID the midnight robberies of arms, and the midnight murders which frequently attended those robberies, and which were perpetrated in pursuance of the systematic plan upon which the conspiracy was formed;—did these mischiefs also exist prior to the French Revolution?—Does Sarsfield believe that well-intentioned and well-affected reformers are ready to go the lengths to which these conspirators have gone? Does he believe *they* are concerned in the midnight insurrections, robberies and murders of the others? The Author of the Observations throughout his whole work rejects the idea of such a calumny—Sarsfield, the apologist of the insurgents, by confounding the two very different descriptions of men, would expose them to the imputation.

THE next misrepresentation of the Commentator, Sarsfield! is where what his author has said, is clearly and obviously applied to the French, the Commentator very kindly insinuates the author has applied it to his own countrymen.

“In the precise strain of rhapsody,” says Sarsfield, “which distinguished Mr. Burke, since he apostatized, and was pensioned, you suppose a case of the most monstrous and improbable nature.”—*Thus having first emptied his mind, (speaking of your countryman and the political atheists)*

atheists) of every virtue that connects the human being with his Creator, or the subject with his ruler; of every benevolent, moral, or social principle that qualifies man for obedience to authority; they armed him with this strength for his own abuse of power.

"Are you sure that the minds of your countrymen are so completely void of every virtue and every principle, social, benevolent and moral?" This is the comment of Sarsfield upon the above-quoted passage.

Now that this was not a case, of the most monstrous and improbable nature, appears clearly, because it actually happened in France, in the course of the three first years of the Revolution;—and that the author could only have had the French in contemplation, is evident from what precedes, and immediately follows the passage quoted by Sarsfield.

"*THEY aimed their deadly blows not at the corruptions of the priesthood, but at the altar of God; and, levelling to the earth the temple of the Almighty, buried religion under its ruins. It was thus they wrenched from the human mind those great HOLDS of man, the feelings of piety, of reverence, and of awe towards his Creator. In the same spirit they assailed, not the ABUSES of monarchy, but MONARCHY itself; and laying the throne in dust, rooted out of the human heart those other holds of man, the sentiments of respect, of attachment, or of loyalty towards his earthly rulers.*—These passages very shortly

shortly precede that quoted by Sarsfield, and it is immediately followed by these words—" *They*
" steeled his heart against every warm and generous
" feeling of affection and reverence for the PERSONS
" of those placed in authority, even by HIMSELF, that
" that those new Idols, fashioned by their hands, the
" abstract principles of natural rights, and the
" doctrines of the equality of mankind, might engross
" the whole of his worship."

Is it not clear that the latter part of this passage alludes to the almost total destruction of the persons first placed in power at the commencement of the Revolution, by the very hands that had placed them in authority? Did Sarsfield anticipate in fancy the destruction of the Altar of God, and the laying of the throne in dust *at home*? And was it from this anticipation that he mistook France for Ireland—and Frenchmen for Irishmen? when he charges the author, in the above quoted passages, with speaking of, and applying those passages to his own Countrymen?

BUT in the next attempt at misrepresenting, Sarsfield surpasses himself—still quoting the author, "*As to the legislative interference of the British Cabinet, let the instances be shown,*" you say "*if any there be.*" "And," (continues Sarsfield,) "*this command you utter, with as much confidence, as if you were sure no answer could be given.* Do not, I beseech you, exult in tones so
 C " expressive

“ expressive of disdain, until you are in possession
 “ of the victory. Out of your book, I will se-
 “ lect one instance of the legislative interference
 “ of the British Cabinet; out of your own mouth
 “ I will convict you.” Is Sarsfield, the doughty,
 moral Sarsfield, the paragon of commentators, is
 he dwindled into a literary *clipper and coiner*—does he
 descend to the clipping of a sentence, in order to
 palm upon the Public a counterfeit meaning, coin-
 ed out of those clippings, with a mixture of base
 materials of his own, which, by means of this trick,
 should appear to wear the author’s stamp upon it?
 Now from a reference to the passage it will be
 evident the author does not require he should be
 shown any instances of the *interference* of the British
 Cabinet, for in various parts of his work, he ad-
 mits, in its fullest extent, the existence of that in-
 terference; and, in my opinion, speaks with the
 utmost fairness and candour on the subject.—The
 author expressly says, p. 57: “ *As long as the two*
 “ *kingdoms are connected (and God forbid they should*
 “ *be otherwise) and as long as the Lord Lieutenant*
 “ *of Ireland is a branch of that Cabinet, some influ-*
 “ *ence it must and ought to have, and the question*
 “ *only goes to the DEGREE:* He also says, p. 42—
 “ *No man will dispute with the Author of the Address*
 “ *to the Citizens of Dublin, that since the year 1782,*
 “ *there has not been a single period, in which the in-*
 “ *fluence of the Cabinet of England did not prevail,*
 “ *more or less, with the Parliament of Ireland.*”

Is this denying the influence of the British Cabinet?—and was it in common sense to suppose that the Author of the Observations should “in tones expressive of disdain,” call for instances to prove the existence of an influence which he himself not merely admits, but expressly states *does exist*? No, certainly. — But the Address to the Citizens of Dublin having directly charged that influence of the British Cabinet, with having *reimposed the foreign yoke*, which had been formerly imposed by the legislative usurpation of the British Parliament, the Author of the Observations makes (p. 20) the following remark upon that charge—“*As to the legislative usurpation of the British Cabinet, let the instances be shown, if any there be, that can bear the slightest comparison, in point of injury to the country, with the atrocious overt acts of the former legislative usurpation of the British Parliament.*”

SEE then how fairly, and honestly, Commentator Sarsfield, manages this sentence—he makes a full stop at the words, “if any there be,”—thus cutting the sentence in two, wholly leaving out the remainder of it—and he does this, in order to forge a meaning of his own, out of that part of it, which he quotes, but which is directly opposite to the meaning of the whole sentence, when taken together : —By this artifice he would make his readers understand, that the author of the Observations had defied any one to produce an instance of the influence of the British cabinet—then *modestly* exulting in the ingenuity

ingenuity of his fraud—(exclaims Sarsfield with the most amiable humility) “ This command you utter
 “ with as much confidence as if you were sure no
 “ answer could be given. Do not, I beseech you,
 “ exult in tones so expressive of disdain, until you
 “ are in possession of the victory—out of your own
 “ book. I will select one instance of the legislative
 “ interference of the British Cabinet, out of your
 “ own mouth I will convict you.”

Now it is to be observed that the author did not call for the selection of an instance of the interference of the British Cabinet, because he never denied that interference—but he called for some instance of it, which in point of *injury* to the country *could be compared with the former usurpations of the British Parliament*. This being what was called for by the author—what is the instance produced by the sagacious Sarsfield—by this Champion of the Catholic cause,—who attributes no small portion of the present discontent to withholding from the Catholic the little that remains to be granted to him? The instance produced by him, is where the author says—
 “ *The British Cabinet did certainly interfere in FA-*
 “ *VOUR of the Roman Catholics—but they interfered,*
 “ *not to reimpose restraints and restrictions ; not to re-*
 “ *impose a FOREIGN yoke, but to remove a DOMESTIC*
 “ *one—through the interference and influence of the*
 “ *British Cabinet, the same House of Commons, which*
 “ *in 1793 had rejected the Roman Catholic Petition*
 “ *with heat, anger and contempt, granted to the*
 “ *Roman*

" Roman Catholics in 1794, much more than appeared to be required by the petition they had rejected."

THIS is the instance selected by Sarsfield, in answer to the demand of the Author, who desired that an instance of the interference of the British Cabinet might be produced, which, in point of *injury* to the country, could be compared to the former usurpations of the British Parliament!—Really Sarsfield, the Roman Catholics are much obliged to you,—you are a most discreet friend—a most sagacious politician—and a most notable Commentator.

WE have seen Sarsfield in two instances grossly misrepresent the Author of the Observations.—In a third instance, we have seen this Commentator turn into a Literary Clipper and Coiner.—It would be endless to go through all the instances of a similar sort which occur throughout his whole performance.—I shall only mention a fourth and last instance of Sarsfield's literary integrity. In the Observations it is stated that the *influence* alone of Government over a senate "*never can do more, than induce men to seek private advantage, at the expence of public good; consequently, INFLUENCE alone never could induce them to permit a RUTHLESS and HORRID TYRANNY, TREMENDOUS AND INTOLERABLE, to be imposed upon THEMSELVES, because what they seek is their own ADVANTAGE, and it is not easy to conceive the nature of a ruthless, horrid, tremendous and intolerable ADVANTAGE!!*"

WITH

WITH respect to this sentence the adroit Commentator, has only committed a literary theft, and a literary forgery. He has stolen away the last word *advantage*, and has forged the word *tyranny*.—So that he makes the author say, “ it is not easy to “ conceive the nature of a ruthless, horrid, “ tremendous, and intolerable tyranny ! ” Thus between a theft and a forgery having fabricated nonsense, he endeavours to fasten that nonsense upon the author, and then with great self-complacency exclaims—“ Those two notes of admiration are your own ; and the only observation that “ I have to make on the whole passage is, that “ they are very properly placed.”

So much for the candour, the fairness, and the literary honesty of good master Commentator Sarsfield !

WE come now to that part of his performance, where fancying himself on strong ground, and that he has got the author of the Observations completely in his power, the Commentator begins to assume the tyrant !—Upon minds of a certain standard the common effect of power, is to intoxicate.—And now our poor Commentator makes his appearance much intoxicated indeed, though he has not altogether lost the use of speech. He threatens the author with the Brazen Bull presented to the tyrant Phalaris, and with the flames placed under said Bull. He threatens him with the fate of St. Stephen,

Stephen, which was only being stoned to death. He talks of the moral desolation of the author's mind; suspects that his heart is as bad as his head; and asserts, that his ignorance is as contemptible, as his effrontery is gross. All this, to be sure, is not very elegant, nor very polite; but it is to be considered the poor man is at the moment very drunk!

THE Author of the Observations has said, *that previous to the reign of James I. Ireland was not in possession of a parliamentary constitution; to four-fifths of the kingdom, the very idea of a parliament was utterly unknown.* So far Sarsfield quotes; but with his usual candour he leaves out what follows. *The descendants of the English Colony that first settled during the reign of Henry II. in a part of Leinster, had indeed a Colonial Assembly, known by the name of the Parliament of the Pale.* Sarsfield then proceeds to quote, "No, it is a fact, as clearly, and as decidedly ascertained, as any historical fact can be, that when James I. undertook the settlement of Ireland; he did not find the IRISH NATION possessed of any parliamentary Constitution whatever; consequently the Boroughs he created for the purpose of introducing that Constitution among them, were coeval with it. James therefore, finding IRELAND, as a KINGDOM, totally destitute of a Parliamentary Constitution, &c.

"WE are fairly committed," (says Sarsfield)
 "and on either of our heads let shame fall. I
 "charge you with ignorance and effrontery in
 " what

“ what you have stated relative to the parliament-
 “ ary constitution, and if I fail to prove both, I
 “ will be very unfortunate, as I must then appear
 “ to be the pretender that I represent you to be.”

WITHOUT doubt, Sarsfield, you are at issue with the Author of the Observations upon this subject, and without doubt, you will pay the penalty you have imposed upon yourself, of appearing to be the pretender you would represent him to be.

THAT Author asserts, first, that previous to the reign of James I. *Ireland as a kingdom*, never possessed a Parliamentary Constitution. That James did not find the *Irish Nation* possessed of any such constitution, and that the first parliament of Ireland that ever met, and sat as the parliament of the *kingdom*, was that which met in the eleventh year of James I. That author never asserted, that no parliamentary constitution had ever existed in Ireland, prior to that period; on the contrary he admits, that the English Colonies, established in a very small portion of the kingdom, did possess a parliamentary Constitution. But then it was the parliament of the Colonies, not of the kingdom;—the Parliament of a very small portion of Englishmen, not the Parliament of the Irish Nation. And in so little consideration was the power, consequence, and authority of this Colonial Parliament held, that in the year 1530, powers were given to the then Lord Deputy in his Commission,

to give him authority, to give to

to make *laws and statutes* for good government by *advice of the council*; and to see them by *proclamation* carried into execution. (See Ware's *Antiquities*, p. 94.) Sarsfield has quoted Carte's life of Ormond. —I suppose I may be allowed to quote the same author.

"Ireland," (says Carte) "thus subjected, was
 " possessed for several ages by the kings of England
 " under the stile of Lords and (from the time of
 " Henry VIII.) of kings of Ireland; but whatever
 " stile they used, they enjoyed not so much the
 " reality, as the *name of dominion* in it, for the
 " heads of the Irish scepts never obeyed them but
 " as they listed, and the body of the people were
 " governed *entirely by the Brehon law*, and followed
 " the Irish customs. The English laws indeed were
 " introduced, *but were observed only in the English*
 " *Colonies*, and prevailed no where but in the
 " *Counties near Dublin*.

"Parliaments had from the reign of king
 " Edward II. been called from time to time in
 " Ireland upon particular occasions, but they con-
 " sisted of few members, &c. and as for the House of
 " Commons, it sometimes was composed only of the
 " deputies of the four shires of the Pale, and writs
 " were never sent any where but into shire ground
 " *inhabited by the English, who continued in obedience*
 " *to the state, and in subjection to the English laws*.
 " For the Irish in those days were never admitted,

“ as well because their Countries lying out of the
 “ limits of Counties *could send no knights, and hav-*
 “ *ing neither cities nor boroughs in them, could send*
 “ *no burgesſes to the parliament.* For before the
 “ 34th year of Henry VIII. when Meath was di-
 “ vided into two ſhires, there were no more than
 “ twelve counties in Ireland [*there were only*
 “ *eleven*] and as the ancient cities were but four,
 “ and the boroughs which sent burgesſes not above
 “ thirty, the entire body of the House of Commons
 “ could not then consist of 100 persons. Queen
 “ Mary indeed added two ſhires (King’s-County
 “ and Queen’s-County) and erecting boroughs in
 “ them, whereby they were qualified to send
 “ knights and burgesſes to parliament; and after-
 “ wards Queen Elizabeth, in Sir Henry and Sir
 “ John Perrot’s times, erected fundry counties in
 “ Connaught and Ulster; yet *no knights were ever*
 “ *sent from the remote parts of the latter province.*
 “ The last parliament held in her time was called
 “ in the 27th year of her reign (it consisted of 122
 “ members) and twenty-seven years of troublesome
 “ and unsettled times had passed since, with-
 “ out the summons of any. But king James
 “ having now settled Ireland in peace, *divided the*
 “ *whole kingdom into Counties,* and erected forty
 “ new boroughs in the *seventeen Counties* last ap-
 “ pointed: resolved to call a *general representation of*
 “ *the whole nation, in which all the inhabitants there-*
 “ *of, whether of the old English extraction, or the*
 “ *new British Colony, or the old Irish natives, should*
 “ meet

“ *meet together to make the laws for the common good
of themselves and their posterity.*”

WAS not this introducing for the first time among the *Irish* as a *Nation*, and into Ireland as a *kingdom*, a Parliamentary Constitution ?

BUT I do not desire my readers to rely upon any author, whatever his authority may be.—I shall refer him to the statutes. A. D. 1450, 28th Henry VI. ch. 2d. only four Counties are named as possessing the benefit of English laws, viz. Dublin, Kildare, Meath and Uriel—and seventy-two years afterwards, A. D. 1522, in 13th Hen. VIII. ch. 3. are these remarkable words, “ Because that right few persons
“ within the *four shires*, where the *king's laws* is
“ occupied in this land.”

A. D. 1570. In 12th Eliz. ch. 3. the shires and towns then obeying the English laws are enumerated, and they only amount to nine counties; and it is to be observed, that two of those, viz. the King's and Queen's-Counties had been a very short time created; and that the apparent addition of another County was owing to the division of Meath into two Counties. Thus from the year 1450 to the year 1570, a period of *one hundred and twenty years*, only four Counties were added to the original four Counties of the Pale, which obeyed the English laws. It is true that in the 33d Henry VIII. ch. 2. A. D. 1542, an act for the election of the
Lord

Lord Justice—eleven Counties are named; but it does not follow, that all these had the benefit of the English laws, or Parliamentary Constitution. These counties are named merely as the places of *residence* of the king's *counsaylers*, who were to be assembled in case of the death of a Lieutenant, Deputy, or Justice, in order to chuse another. Some great lords lived in Munster, who were certainly of the king's council, yet into whose territories (for they were petty princes) the king's writ never ran, nor had the inhabitants in any shape, the benefit of the English laws. For though Munster had been long *nominally* divided into Counties, yet Sir John Davies observes,—“ The people were “ so degenerate as no justice of assize durst execute “ his commission among them.” Five of the Counties named in this Act were situated in Munster, and certainly, by the concurrent testimony of all the writers upon the ancient state of Ireland, came under this description. This reduces the number of the Counties named in this Act, which had really the benefit of English laws, and Parliamentary Constitution, to fix.

By the 34th Henry VIII. ch. 1. Meath was afterwards divided into two Counties, and the reason assigned for this division in the preamble of the Act was,—“ that even in this ancient County of the “ Pale in several partes thereof, the king's writs, “ for lacke of ministration of justice, have not of “ late beene obeyed, ne his grace's lawes put in “ due

“ due exercise.” This made the number seven.— Philip and Mary after added the King’s and Queen’s-Counties, which increased the number to nine, and this is precisely the number mentioned in 12 Eliz. ch. 3. A. D. 1570. From this period no Counties were made by Act of Parliament; but by 11th Eliz. ch. 9. A. D. 1569, powers were given to the Chancellor or keeper of the great Seal for the time being, to award commissions for that purpose; but as from the dissolution of this Parliament in 1751, to the year 1613, when James I. met (what the Author has asserted to be) the first Parliament that sat, as the Parliament of the kingdom of Ireland, and as the Parliament of the Irish Nation as well as of the English Colonies, as, during this period of forty-two years, but one Colonial Parliament had been called, little advantage could have been derived to the *Parliamentary Constitution* from this Act, even had the intention of it been completely fulfilled. But the contrary was the fact. It is true Sir Henry Sidney, and after him, Sir John Perrot, did endeavour to give effect to this Act. The latter divided Ulster nominally into seven shires; but Sir John Davies observes, “ The law was never executed in these new Counties by any sheriffs or justices of assize, but the people were left to be ruled still by their own barbarous lords and laws.” Thus a very small portion indeed of those new Counties returned members to the only Parliament, as has been just observed, which prior to the 11th of James had been called in Ireland for

for the space of forty-two years.—There is indeed an irrefragable proof of this in the Rolls-Office. The number of members who were summoned in the last Parliament of Eliz. in 1585, was 122; the members summoned to James's Parliament in 1713 amounted to 232—difference 110. But James had created only 40 boroughs, which returned 80 members, consequently there must have been many members for Counties, and many Counties must have been represented in James's first Parliament, which were not represented in the last of Elizabeth; although in that, her last Parliament, more Counties were represented than at any former period whatever. Thus if James created 40 boroughs, to encrease the borough representation, he must at the same time be allowed to have encreased also the County representation to a considerable degree, by adding to it the representations of many Counties, which, though nominally created before, had never before been actually represented. Now that this first Parliamentary Constitution of which the *Irish Nation* (contradistinguished from the English settlers) ever possessed the smallest participation, is a fact, not only established by the concurrent testimony of every writer upon the affairs of Ireland, but is a fact which by its own Acts that Parliament itself puts beyond the possibility of controversy. Not to revive the memory of things which had better be forgotten, I shall refer the reader to the

5th chapter of the Statutes of this Parliament, where by the repeal of some very extraordinary Acts, one so late as the 28th Henry VIII.—another still later, 11th Eliz. he will perceive that this Parliament was the first that ever sat in Ireland, which placed the *Irish Nation* on the same footing with the English settlers; which communicated to them the benefit of the English laws; or suffered them to participate in the benefits of a Parliamentary Constitution. I do therefore re-assert with the Author of the Observations, that when James I. undertook the settlement of Ireland, he did not find the *Irish Nation* possessed of any Parliamentary Constitution whatever. That the Parliamentary Constitution possessed by the English Colony of the Pale, and by some very small branches of that Colony thinly spread in a few other parts of the kingdom, was a Constitution from which the *Irish Nation* had ever been totally excluded, and from which even many of the descendants of the first English settlers who had embraced the Irish customs, had long intentionally excluded themselves. That so precarious was the enjoyment of this Parliamentary Constitution even by the English Colonists who adhered to the English laws, and to the English Crown, that in the twenty-first year of Henry VIII. A. D. 1531, that Monarch empowered his Deputy, Sheffington, to make laws and statutes for good government by *advice of the Council*, and to see them by *proclamations carried into execution*. Thus overlooking entirely their Colonial Parliament,

and

and that in the space of forty-two years previous to the thirteenth of James the first, only one of these Colonial Parliaments had been summoned, which sat only two years; so that even the English inhabitants of the Pale, and other small scattered English Colonies, were forty years, out of two and forty, without the benefit of any Parliament whatever.—During all this period, the Brehon law, the customs of Tanistry and Gavil-kind, not only prevailed among the old native Irish Nation, but among a large portion of the descendants of the old English Settlers, to the utter exclusion of English law, and Parliamentary Constitution. And finally, it was not till the reign of James, in the year 1605, that Tanistry and Gavil-kind were abolished in Ireland. (See Cox, p. 10.)

THIS then was the Parliamentary Constitution of Ireland, to *model* and *subvert* which James had recourse to the creation of Boroughs!!!

I TAKE upon me then, upon the evidence of History, upon the evidence of all our statutes, those of the last Parliament of Elizabeth inclusive, upon the evidence of the Rolls-Office, upon the evidence of the acts of the first Parliament of James, which has been so unjustly and so unwarrantably stigmatized, I take upon me to re-assert the assertion of the Author of the Observations.

THAT

THAT James I. instead of being the subverter of the Parliamentary Constitution of Ireland—was the *Founder* of that Constitution.

SARSFIELD quotes the accurate Mr. Lodge, who recites that in the 33d year of Henry VI. a Parliament of Ireland asserts that, “ *All* the liege people of Ireland had, and used to hold Parliaments “ without interruption from the time of the most “ noble King Henry Fitz Empress, to the present “ time.”—Sarsfield, read the statutes, and then you will understand, perhaps, the assertion made by this Parliament of Henry VI. You will perceive that instead of underlining the word *all* as *you* have done, you should have underlined the word *Liege*,—and the sentence would have run — “ All the “ *Liege* people of Ireland”—and not, *All* the Liege people of Ireland—for in the statutes of the *Colonial Parliaments*, which preceded the National Parliament first held by James I.—The words Liege man, or Liege men, or Liege people frequently occur,—and were exclusively applied to the English inhabitants of the Pale, and of the smaller colonies that spread themselves from the Pale, or which by the re-conquests of the *Irish enemies*, became separated from it, and remained thinly scattered over some other parts of the kingdom.—This English portion of the then inhabitants of Ireland, who were governed by the English laws, and professed obedience to the English Crown, were *alone* denominated *Liege People*.

THE inhabitants of Ireland prior to the reign of James were divided into three classes, 1st. The *Liege* men, as above described.—2d. The *degenerate English* or English Rebels, consisting of the descendants of the old English settlers who had embraced the Irish customs.—3d. The old *native Irish*.

THIS distinction of the three classes here described, was invariably adhered to, in every statute of the Colonial Parliaments, whenever the subject required the mention of any of them.—So that a *Liege* man was in law only another name for an English Colonist, who lived in obedience to the English laws, and to the English crown—and the words *Liege People* of Ireland meant nothing more in the intendment of every statute, than such of its inhabitants as were of that description, to the utter and total exclusion of the degenerate English, and of the native Irish.

Now as of these three classes of the inhabitants of Ireland, namely—the *Liege* men—the degenerate English—and the native Irish.—The first, or *Liege* men, alone possessed a Parliamentary Constitution, although they perhaps did not form more than a sixth part of the inhabitants of the kingdom.—That the 2d class, or degenerate English, disdained that constitution; and that the 3d class or native Irish were wholly ignorant of, and (with the exception of two or three chieftains, who had accepted titles from Henry VIII. but were notwithstanding perpetually

perpetually in rebellion) totally excluded from it, by the *Liege men* themselves, although the rebellious English, and native Irish, formed at least five-sixths of the inhabitants of the land.—Where? I pray you, gentle, polite and well-informed Commentator Sarsfield, where, does the Author of the Observations exhibit contemptible ignorance, and gross effrontery, in asserting that Ireland as a *kingdom*, and the Irish as a *Nation*, never were in possession of a Parliamentary Constitution, previous to the reign of James I.—And as the Author, has invariably admitted that one class of its inhabitants, the *Liege men*, were in possession of a colonial Parliamentary Constitution—how is he contradicted, by the quotation from Mr. Lodge, reciting the assertion of an ancient Colonial Parliament, that all the *Liege* people of Ireland had and used to hold Parliaments? or how contradicted by the Black Book in Christ Church? or how, by Dr. Leland's history?—Are you not still, Sarsfield, at a loss to conceive?

JAMES I. when he established the Parliamentary Constitution of Ireland, at the same time that he added so many members to the County representation, did create forty boroughs—But to say that he created them for the purpose of modelling and subverting the Parliamentary Constitution, which he himself endeavoured to establish, when his motive for that creation was so clear and obvious, is to be wilfully blind—or to say that James by this creation

of

of boroughs designed to convert his Borough Parliament into a Court Instrument "to murder freedom," and to rob his subjects of their lands—is totally to forget the history of the times.

As to the first case, James's motives are certainly clear and obvious. — It is to be remembered, that upon his accession to the Crown in England he met with great opposition from the Roman Catholics in Ireland. That upon the death of Elizabeth the inhabitants of most of the principal cities and towns flew to arms; that they at first refused to acknowledge him, and did so afterwards only upon being compelled by a military force. — It is to be remembered too, that James was greatly attached to his new colonial plantations of English and Scots in Ulster who were all Protestants—and that he thought it incumbent upon him whilst he aimed at generalizing the Parliament, at the same time to protect those Protestant Colonies, and give a predominant influence in the House of Commons, to the Protestant Interest.—The event proved the necessity of the measure,

In the last Parliament of Elizabeth, held 27 years before, there were but 122 members in the House of Commons.—In his own Parliament called by himself, there were in that House 101 Roman Catholics or Recusants, in direct opposition to him, to his Colonies, and to his Protestant views.—Most of the elections for the new Counties went in favour

of

of the Roman Catholic interest, so if James had not had recourse to the creation of Boroughs, there would have been in the Irish House of Commons a majority of four or five to one against the Protestant interest, and as it was he had only 125 against 101.

SURELY this sufficiently accounts for the conduct of James, in the creation of those Boroughs, without resorting to the supposition that he had recourse to that creation, for the purpose of subverting the Parliamentary Constitution.

As to the second case, the supposition, that James's intention by the inundation of Boroughs was to convert the Parliament into a Court Instrument to murder freedom and rob his Irish subjects of their property, it is directly refuted by the statutes of that Parliament and by the subsequent conduct of James.

THAT Parliament sat during three very short sessions; the first for twenty-eight days only—the second and third sessions for only twenty days each,—in all about two months—they passed ten statutes. There they are in the first volume of the printed statutes.—They neither confiscated the property of any of James's Irish subjects themselves, nor conferred on the Crown any powers to enable the King to do so;—and James, so far from making a Court Instrument of the Irish Parliament, never called another during the remainder of his reign, which lasted ten years.

BUT,

BUT, says Sarsfield, (addressing himself to the Author of the Observations) “ with no less ignorance of the History of Ireland do you dispute Mr. Grattan’s assertion, that the inundation of Boroughs in James I’s reign was the destruction of liberty and *property*. — You say the forfeiture to which he alludes took place *before* this creation of Boroughs.

WITHOUT doubt that Author does say so—because it is positively and absolutely the truth;—and I shall further assert that no forfeitures took place, by means of a Parliament, for upwards of eighteen years *after* that creation; and for this plain reason, because no Parliament was called during that period, and when they did take place in the administration of Lord Wentworth, it was *not* by means of the *Borough Parliament*, but that on the contrary this stigmatised Borough Parliament, this Court Instrument destined (as you say) to rob the King’s Irish subjects of their property as well as their liberty,—did most strongly *remonstrate against* those forfeitures:—And I trust when I have proved this, the modest Sarsfield, all-informed as he is, will think it necessary to encrease even *his* stock of information, before he will again venture to accuse others of ignorance.

THE great forfeiture which took place in this reign, was that produced by the conspiracy of the Earls of Tyrone, Tyrconnel and others, and by the

the rebellion of Sir Cahir O'Doherty, one of the conspirators. The two former had in the year 1607 fled into Spain, to obtain assistance from that kingdom. In 1608, the death of O'Doherty produced by an accidental shot, put an end to the rebellion—and such of the rebels as remained alive were indicted and outlawed, by which a great portion of Ulster was forfeited to the crown.—It was upon those forfeited lands that James had planted his Protestant Colonies, and among those Colonists they were divided four years before he called his last Parliament in Ireland, and consequently *four years before* the creation of Boroughs. The articles entered into by the City of London with the Lords of the Council, on behalf of the King, for the purpose of settling this plantation, are dated 28th January, 1609, and James's first Irish Parliament did not meet till the 16th May, 1613—when a considerable progress had been made in the plantation, and the grantees were already in possession of their respective grants. The owners therefore of the forfeited lands, had been indicted, and by process of outlawry attainted, according to the course of the common law of the realm five years, and their lands granted to others four years *before* the creation of the boroughs; for which reason the Author of the Observations has said, that the supposed *robbery of his liberty*, with which that creation is charged, was *not FOLLOWED* by the *robbery of his property* *.

To

* The Act 13th James I. chap. 4, differs widely from the Act, 28th Eliz. chap. 7, by which in consequence of the rebellion

To refute him, Sarsfield quotes the following passage from Carte's Ormond: — "Where no grant

rebellion of the Earl of Desmond, all his immense estates, and those of the persons who had joined him in that rebellion, were forfeited to the Crown, to the amount of 574,628 acres. For this latter Act *created* the attainder of persons not attainted before, and vested lands in the Crown not vested in it before. The words of the Act are, "that all the said persons, &c. &c. be, and shall be by the authority of this present Act attainted." "And that all the said lands, tenements, &c. &c. by this Act be, and shall be deemed, vested, and judged to be in the actual and real possession of your Majesty, without any office or inquisition thereof hereafter to be taken or found. This was the Act of the last Parliament of Elizabeth, 27 years before the inundation of boroughs took place."

BUT the Act of James, on the contrary, was *not* to *create* an attainder, but in consequence of the rebellion of the Earl of Tyrone and others, it recites, "that whereas, Hugh, late Earl of Tyrone, &c. &c. *have been* indicted, and by process of outlawrie *attainted*, according to the course of the common laws of this realm, &c. &c. it may please your most excellent majesty that all and every the attainders of the persons above named be approved and *confirmed*." — This Act also recites that many of the persons therein named were *slain in action of rebellion against the late Queene Elizabeth*, and the others had fled into Spain, and were residing at the time in an enemy's country, and all their lands had been adjudged to the Crown five years, and had been in the possession of the grantees of the Crown four years *before* this Act took place. For this reason it is said in the Observations, "The fact is, that the destruction of property, to which the Author of the Address alludes, was produced by the rebellion which subsisted in Ireland, during the reign of Eliz."

"and

“ grant appeared or conveyance in pursuance of
 “ one proved, the land was immediately adjudged
 “ to belong to the Crown. All grants of the
 “ Crown, from the first Edward II. to tenth
 “ Henry VII. *had been resumed by Parliament. The*
 “ *lands of all absentees* and of others were by
 “ various *Acts*” (the correct Sarsfield says *votes*)
 “ again vested in the Crown, which impeached
 “ almost every grant of land antecedent to that
 “ period.”

HERE Carte states, 1st, that all grants from first Edward II. to tenth Henry VII. *had been resumed* by Parliament; secondly, *that the lands of all absentees*, and others, were by various Acts again vested in the Crown; and Sarsfield, with his usual candour, would insinuate that this resumption of grants, and this vesting of the lands of all absentees in the Crown, were the work of James I's borough parliament.

Now it is to be observed that Carte only tells us, 1st, that the above mentioned grants *had been resumed* by Parliament; and secondly, that the lands of absentees were by various Acts again vested

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“ and in the beginning of the reign of James; when nearly
 “ the whole of the Province of Ulster, was, for treason, forfeited to the Crown; and the forfeited lands were divided
 “ and tenanted by persons brought over from England and
 “ Scotland BEFORE the creation of boroughs.”

in the Crown; but he does not tell us by *what* Parliament these Acts were passed.

As to the 2d case, the vesting the lands of absentees in the Crown, this was an Act of the 28th Henry VIII. See the first vol. p. 84 of the printed statutes, chap. 3. passed A. D. 1537, just 76 years *before* the existence of that Parliament, to which the well-informed Sarsfield would attribute it!! There are two more notes of admiration for you, Mr. Commentator, and make your own observations upon them.

As to the first case, which according to the order in which it is mentioned by Carte, must have happened prior to the other; viz. the resumption of all the grants of the Crown from first Edward II. to tenth Henry VII. no such statute is in existence, at least in the printed statutes, which are complete from the reign of Henry VIII. and if any such ever did exist, it was most probably passed by one of Henry VIII's Parliaments and has been lost. So well supported is Sarsfield's assertion, by his quotation from Carte. But the Commentator is always unfortunate in his quotations. Yet, why, Sarsfield, were you not at the trouble of looking at the statutes of James the first's Parliament? There are but ten of them; and you would have found that nothing which bears the smallest resemblance to what Carte mentions,

tions, in your quotation from that writer, is to be found among them.

BUT though Sarsfield won't read, he will assert, and boldly goes on, " And it was not only in the reign of James I. that the *operation of the borough House of Commons*, which he created to model and subvert the Parliamentary Constitution of Ireland, was felt in the destruction of property. His immediate successors, Charles I. *abetted by a Parliament so formed*, encroached upon the lands of the subject in a still larger scale.

THAT the most shameful and cruel confiscations were carried on, under Lord Wentworth's administration in the reign of Charles I. is most certain. But I challenge Sarsfield to produce a single instance among the statutes of the Irish Parliaments of Charles I. (and they are all extant, in the 2d vol. of the printed statutes) in which the Crown was aided in these atrocious robberies, *by the operation of the borough House of Commons*—or that it was in this abominable work in any shape whatever *abetted by a Parliament so formed*.

HAVING told Sarsfield what he will not, what he cannot, find in these statutes, I will tell him what he *will* find in the history of those times. He will find from the Borough House of Commons, which met 15 Charles I. A. D. 1639—a remonstrance

strance to the Lord Deputy, Sir Christopher Wandesford, containing fifteen articles of complaint against Lord Wentworth, then Earl of Strafford, the Lord Lieutenant. A remonstrance breathing the spirit of liberty; insisting upon all the benefits of the great Charter; and other municipal and fundamental laws of England—and uttering the bitterest complaints, with all the freedom of men determined to assert their Rights. Almost every article contains some charge against the arbitrary proceedings of the Court—the whole of it is too long to insert here. I shall only select two articles:—5th, “The extrajudicial avoidance of Letters Patent of Estates of a very great part of his majesty’s subjects, under the Great Seal, (the public faith of the kingdom) by private opinions delivered at the Council Board, *without legal evictions of their estates contrary to law, and without precedent or example of any former age.*”

13. “THAT of late his Majesty’s Attorney General had exhibited informations against many ancient Boroughs of this kingdom, into his Majesty’s Court of Exchequer, to shew cause by what warrant the said Boroughs (who heretofore sent burgesses to Parliament) should send burgesses to Parliament: And thereupon, for want of an answer, the said privileges of sending burgesses were seized upon by the said Court; which proceedings were altogether *coram non judice*, and contrary to the laws and privileges of the House of Parliament (and

if

if way should be given thereunto) would tend to the subversion of Parliament, and by consequence to the ruin and destruction of the Commonwealth." Soon after presenting this remonstrance, this Borough House of Commons voted a list of grievances, which they transmitted to England, in the form of two petitions, one to the King, the other to the English Parliament. They next sent up an impeachment for High Treason to the Lords,—against Sir Richard Bolton, Lord Chancellor, John Lord Bishop of Derry, Sir Gerrard Lowther, Lord Chief Justice of the Common Pleas, "for subverting the laws, and introducing arbitrary Government, by extrajudicial and unjust decrees, and subverting the rights of Parliament." Very *uncourtly* conduct this *for a Court Instrument that murders Freedom!*—Such then were the Borough Parliaments, whom Sarsfield, in the teeth of their own acts, in the teeth of the history of his country, in direct contradiction to the Statute Books of the realm, has asserted, were designed by the House of Stuart to model and subvert the Parliamentary Constitution of Ireland, and to rob the Irish subjects of the Crown, of their *property*, as well as of their liberty.

I SHALL now leave, Mr. Commentator Sarsfield, to the enjoyment of his fairness, his candour, his politeness, his truth, and his information.

VINDICATOR.

